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			2624	

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9

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/709,486

**Applicant(s)**

STEWART ET AL.

**Examiner**

Lucas Divine

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7 &amp; 8</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Statement Regarding Missing Reference***

1. Examiner has located reference entitled "Xerox Year 2000 Product Compliance Status Product Details." A copy of this reference is forwarded to Applicant's representative along with this correspondence.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 3/25/2003 and 5/5/2004 were filed after the mailing date of the application on 11/13/2000. These submissions are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the examiner.

### ***Oath/Declaration***

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either on an application data sheet or supplemental oath or declaration.

It does not identify the citizenship of each inventor.

### ***Drawings***

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4. The drawings are objected to because fail to show clearly the claimed invention. In specific, Figs. 2, 3, 6, and 7 have text, lines, and functional units that are unreadable and/or indistinguishable.

Surrounding lines of functional units should be clearly labeled, marked, uniformly thick and well defined.

Text describing items in the drawings should be **clearly readable**.

Text describing items in the drawings should be applicable. Unnecessary text unrelated to the specific application need not be shown.

Reference numbers placed in general areas of components should have lines or arrows clearly showing which unit the number refers to.

Drawings of functional units should clearly be shown without distortion or loss of detail.

Top and left margins should be at least 2.5cm.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "300" and "300a" have both been used to designate the circularly dashed area in the upper left of Fig. 2.

6. The drawings are objected to under 37 CFR 1.83(a) because they fail to show **ref. nos. 315, 320, and 330 as being included (inside) the network 300** as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

7. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "310a" in page 8 line 8 of the specification and "310c" in Fig. 3 have both been used to designate the **upload manager**.

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8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

Figs. 1 & 2: 332

Fig. 5: 400a, 420a

Fig. 7: 650, 670

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following informalities:

9. Page 7 line 19 uses the same reference number in the description of two different parts.

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10. Page 13 line 14 refers to seeing a **Fig. 37**. A figure with this number was not submitted as part of the non-provisional application.

11. Page 13 line 14 includes an open parenthesis. It does not appear to have a matching closing parenthesis. Placement of a matching closing parenthesis is required to make the specification clear in what of the information following the open parenthesis refers to the print spooler.

Appropriate correction is required.

### ***Claim Objections***

12. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. On page 24 line 11, claim 20 **claims to depend from claim 21**. No claim 21 was submitted with applicant's non-provisional application. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

13. Claims 1 – 8, 16, 17, and 19 are objected to because of the following informalities: the method claims do not include appropriate step language. The claimed method would be more complete if the word 'comprising' was replaced with 'comprising the steps of' as well as if the phrase 'further including' was replaced with 'further in including the step of'. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 20 recites the limitation "further including determining a print file associated with the document that corresponds to the identification code." The recitations of **'further including,' 'the document,'** and **'the identification'** are indefinite, because there is insufficient antecedent basis for this limitation in the instant claim, and furthermore, there is no claim from which claim 20 depends that could possibly provide antecedent basis.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 1, 3 – 5, 7, 8, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Osada et al. (US 6600569) hereafter referred to as Osada.

Regarding claim 1, Osada teaches **a method to upload a document from a client (109) to a server (110**, wherein the printer performs all standard server functionality such as file

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reception, storage, analysis, and dispatch to a printer engine as shown in Fig. 15) **over a network** (connection 1518), **comprising:**

**uploading from the client a first data packet of a print file** (the print start command packet shown in Fig. 3 ref. nos. 302 and 303) **created from the document from the print driver** (Fig. 15 ref. no. 1502);

**sending to the server the first packet** (inherent to the data reception step S701 of Fig. 7);

**creating at the server an identification code that identifies the print file** (Fig. 7 step no. S711, wherein if the first packet has arrived in step S704, a job number 'identification code' is created for that job further discussed in col. 20 lines 28-33); **and**

**uploading a second data packet of the print file that corresponds to the identification code** (Fig. 7 step 705, wherein the second packet is the parameter command – see Fig. 3 – and it is sent associated with the start command which is shown in that the parameter information is loaded into the job management table in S712 along with the job ID from step S711).

Regarding claim 3, which depends from claim 1, Osada further teaches **that the uploading includes suspending and resuming transfer of the document from a suspension point** in col. 5 lines 55-59 and further shown in Fig. 19.

Regarding claim 4, which depends from claim 1, Osada further includes **storing the print file at a network database** in col. 12 lines 9-11 and shown in Fig. 15 ref. no. 1509.



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Regarding claim 5, which depends from claim 1, Osada further teaches **storing the first data packet at the server**. In step S711 the start 'first' packet is stored at the server in the database unit as discussed in col. 15 lines 53-58.

Regarding claim 7, which depends from claim 1, Osada further includes **receiving from the client a request to upload the document over the network**. The first packet (Fig. 3) includes the start command, which is a request to upload the print file (in subsequent packets).

Regarding claim 8, which depends from claim 1, Osada further teaches **resuming a transfer of the document after the transfer has been interrupted**. Fig. 19 step S1910 shows the resume job command if a job transfer has been interrupted as discussed in col. 19 lines 42-56.

Regarding claim 18, the **computer-readable medium instructions** of claim 18 are performed by the computer elements of apparatus claim 1 within a computer readable medium. Therefore, claim 18 is rejected for the reasons stated in the rejection of claim 1. Osada further teaches the use of standard client computing machines, which inherently include a processor and memory to operate and run computer instructions.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. Claims 2, 6, 9 – 11, 14 – 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada in view of Adamske et al. (US 6615234) hereafter referred to as Adamske.

Regarding claim 2, which depends from claim 1, Osada teaches all of the inherited limitations of claim 1 as discussed above in the rejection of claim 1.

While Osada teaches a printing system for the uploading of print files to a server, Osada does not specifically disclose uploading the files to a **web server**.

Adamske teaches a printing system for the uploading of print files to a server including **web server** 22 (col. 4 line 46).

It would have been obvious to one of ordinary skill in the art to make the printing system of Osada web based such as with the web server of Adamske. The motivation for doing so would have been to provide remote and distributed printing across many servers and printers. Thus if one server or printer goes down, a plethora of devices remain for use and the use of document saving via the web for access globally. Other positive motivations related to distributed web-based printing are well known in the art.

Regarding claim 6, which depends from claim 1, arguments analogous to that of claim 2 are applicable to claim 6. Web servers are known to be part of the World Wide Web '**Internet**' and the system of Adamske teaches this in col. 4 line 44. Thus, since it would have been obvious to include a web server in the system of Osada, it also would have been obvious that the network of Osada could have included the **Internet**.

Regarding claim 15, Osada teaches a **client** (109), **comprising**:

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**a local application that allows a user to select a print driver for delivering a document (Fig. 15 ref. no. 1501);**

**a print driver that creates a print file from the document (Fig. 15 ref. no. 1502);**

**a port monitor that receives the print file sent by the print driver (Fig. 15 ref. no. 1506, wherein the job is sent from the printer driver 1502 via the arrowed lines through the packet generating unit to the logic channel control unit 1506 which is acting as a port monitor by thus receiving the print file sent by the print monitor); and**

**an upload manager that uploads the print file over a network to a server (Fig. 15 ref. no. 1504, wherein the file is uploaded from I/F driver unit 1504 which is acting as an upload manager by uploading the file via communication 1518 to a server).**

While Osada teaches a printing system for the uploading of print files to a server, Osada does not specifically disclose uploading the files to a **web server**.

Adamske teaches a printing system for the uploading of print files to a server including **web server 22** (col. 4 line 46).

It would have been obvious to one of ordinary skill in the art to make the printing system of Osada web based such as with the web server of Adamske. The motivation for doing so would have been to provide remote and distributed printing across many servers and printers. Thus if one server or printer goes down, a plethora of devices remain for use and the use of document saving via the web for access globally. Other positive motivations related to distributed web-based printing are well known in the art.

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Regarding claim 9, Osada teaches all of the limitations of claim 9 as discussed in the rejection of claim 15 except **a web server that receives the print file transferred over the network**. Osada further teaches **a server that receives the print file transferred over the network** (110, wherein the printer performs has all standard server functionality such as file reception, storage, analysis, and dispatch to a printer engine as shown in Fig. 15 and receives print files as discussed in col. 7 line 40).

While Osada teaches a printing system for the uploading of print files to a server, Osada does not specifically disclose uploading the files to a **web server**.

Adamske teaches a printing system for the uploading of print files to a server including **web server 22** (col. 4 line 46).

It would have been obvious to one of ordinary skill in the art to make the printing system of Osada web based such as with the web server of Adamske. The motivation for doing so would have been to provide remote and distributed printing across many servers and printers. Thus if one server or printer goes down, a plethora of devices remain for use and the use of document saving via the web for access globally. Other positive motivations related to distributed web-based printing are well known in the art.

Regarding claim 10, which depends from claim 9, Osada further teaches that **the local application enables the user to select the document for delivery** (col. 10 lines 56-57, wherein it is implied that the user's purpose includes selecting the specific document for delivery) **and seamlessly uploads the document to the server** (col. 11 lines 26-29, wherein the document is transmitted without error 'seamlessly').

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Regarding claim 11, which depends from claim 9, Osada in view of Adamske teach all of the limitations of parent claim 9 as stated above.

While Osada teaches a printing system for the uploading of print files to a server, Osada does not specifically teach a **when a user selects to deliver the document from the local application, a web browser is launched that allows the user to view the document with characteristics selected by the user**.

Adamske further teaches that **when a user selects to deliver the document from the local application, a web browser is launched that allows the user to view the document with characteristics selected by the user** in col. 6 lines 12-23.

It would have been obvious to one of ordinary skill in the art to include the web browser viewing of Adamske to the web server system of Osada in view of Adamske. The motivation for doing so would have been to utilize the added functionality of a print preview for the user to view document as it will look when printed. Thus the user can make changes immediately and avoid mistakes in printing. Since it would have been obvious to include a web server in the system of Osada for reasons stated above in the rejection of parent claim 9, it also would have been obvious to include the browser preview as an added web function of Osada's user application 1501.

Regarding claim 14, which depends from claim 9, Osada further teaches a job packet generating unit (Fig. 15 ref. no. 1507) which acts as a **spooler to spool the print file and send the print file to the port monitor** (the arrow between job packet generating unit 1507 which is acting as a spooler and port monitor 1506 teaches the sending to the port monitor 1506) **using packets of data** (col. 11 lines 2-3 wherein the job packet generating unit sends job packet data,

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thus acting like the claimed spooler in using packets of data to send the print file to the port monitor).

Regarding claim 16, Osada teaches a **method to recover data when a communication is interrupted while a document is being uploaded from a client to a server over a network:**

**receiving a document identification code identifying the document being uploaded from the client to the web server when a transmission to the web server is interrupted** (col. 19 lines 44-46 and 54-55 as well as col. 5 lines 55-59 teach the job number 'identification code' identifies the job to be resumed when a job has been interrupted which is sent along with a request for resuming a document transfer and is received by the server for comparing);

**determining an interruption point indicating a non-transmitted portion of the document** (col. 19 line 53-55 teaches the interruption point is determined and the transfer is resumed at point of interruption by job data that had been saved is returned to the reception buffer); **and**

**transferring the non-transmitted portion of the document to the server** (col. 19 lines 49-52, where the job is returned to the normal printing routine).

While Osada does not specifically teach a **web server** it would have been obvious to one of ordinary skill in the art to add the web server functionality of Adamske to the printing system of Osada for the reasons stated above in the rejection of claim 2.

Regarding claim 17, which depends from claim 16, Osada further teaches that **the file is a print file** (col. 19 lines 55-56 teach the file being a print job) **that has been created by a print driver** (Fig. 15 ref. no. 1502) **residing on the client** (Fig. 15 ref. no. 109).

Regarding claim 19, Osada teaches a **method to respond to a request to upload a document, comprising:**

**receiving at a server the request to upload the document** (reception step S701 in Fig. 7);

**creating at the server an object** (col. 20 lines 28-33, wherein a job information object is created for use in the job management table) **and assigning the request an identification code** (job number in step S711); **and**

**sending the client a response including the identification code assigned to the request** (implicit in the further sending of the print file with an associated job number, wherein the data sending – step S706 – after the begin request is from the sender and is stored in association with the rest of the file as specified by job number ‘identification code’).

While Osada does not specifically teach a **web server** it would have been obvious to one of ordinary skill in the art to add the web server functionality of Adamske to the printing system of Osada for the reasons stated above in the rejection of claim 2.

17. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osada in view of Adamske as applied to claim 9 above, and further in view of Chiles et al. (6167567), hereafter referred to as Chiles.

Regarding claim 12, which depends from claim 9, Osada in view of Adamske teach all of the limitations of parent claim 9.

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While Osada in view of Adamske teaches a client/server system with a client driver, the combination fails to teach specifically **a version manager that determines whether the print driver is valid.**

Chiles teaches a client/server system with a client driver that includes **a version manager that determines whether the print driver is valid.** In col. 2 lines 49-56 and further throughout Chiles teaches determining based on version numbers whether or not a client application 'driver' is valid.

It would have been obvious to one of ordinary skill in the art to keep the driver software up to date with the version determination of Chiles in the system of Osada and Adamske. The motivations for automatically keeping software up to date are commonly known and include, for example: reducing the cost of maintaining software on client machines (col. 1 line 29 of Chiles), keeping clients updated on new features of software, and updating software as hardware changes occur.

Regarding claim 13, which depends from claim 9, Osada in view of Adamske teach all of the limitations of parent claim 9.

While Osada in view of Adamske teaches a client/server system with a client driver, the combination fails to teach specifically **determining whether a version of the print driver is compatible with the information stored in a registry.**

Chiles teaches a client/driver system with a client driver that includes **determining whether a version of the print driver is compatible with the information stored in a registry.** In col. 2 lines 49-56 and further throughout Chiles teaches determining based on



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version numbers whether or not a client application 'driver' is valid. In col. 4 lines 63-65 and further throughout Chiles teaches the version number is stored in the registry 247 (Fig. 2).

It would have been obvious to one of ordinary skill in the art to keep the driver software up to date with the version determination of Chiles in the system of Osada and Adamske. The motivations for automatically keeping software up to date are commonly known and includes for example: reducing the cost of maintaining software on client machines (col. 1 line 29 of Chiles), keeping clients updated on new features of software, and updating software as hardware changes occur.

### *Conclusion*

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US-5592683 Chen et al. 1-7-1997 : teaches a system for processing print commands including the resumption of interrupted commands.

US-5991760 Gauvin et al. 11-23-1999 : teaches a method and apparatus for modifying copies of remotely store documents using a web browser.

US-6633395 Tuchitoy et al. 10-14-2003 : teaches a printing system including identifying print jobs, job packet generation, and registering the job in a database.

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19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 703-306-3440. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine  
Examiner  
Art Unit 2624

ljd



**DAVID MOORE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**